IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 520 OF 2006 Single Bench 3

PETITIONER: Human Singh Nishad, son of Shri Sukhadev Ram Nishad, aged about 52 years, resident of Mahasamund.

P.R. No. 506/06
Present... Shri B. P. Sharma
dated 30/1/06

VS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Ministry of Revenue, D.K.S. Bhawan, Raipur.
2. The Collector, Mahasamund.

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WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS /CERTIORARI ETC OR DIRECTION(S) / ORDER(S) IN THE LIKE NATURE ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक ..... सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-2-2006 Shri B.P. Sharma, counsel for the petitioner. Shri Sandeep Dubey. Govt. Advocate for the State. Application for urgent hearing is allowed. Heard. The petitioner has filed this petition against the order dated 18-1-2006 passed by the respondent no. 2-Collector, Mahasamund whereby the petitioner's services have been terminated. The petitioner was a Reader in the Office of Collector/District Magistrate, Mahasamund. He was prosecuted on the ground that he had taken bribe of Rs. 4,000/- and was caught by the Special Police Establishment, Raipur. Challan was filed and case was filed and the petitioner has been convicted under Section 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and has been sentenced to two years rigorous imprisonment and a fine of Rs. 2,000/- in default of payment of fine to further undergo R.I. for two months and Three years rigorous imprisonment and a fine of Rs. 3,000/-, in default of payment of fine to further undergo R.I. for three months respectively. After conviction, the petitioner preferred an appeal before the High Court bearing Criminal No. 639/2005. The appeal is pending however, he has been granted bail. The conviction has not been stayed. Since, the petitioner has been convicted, his services have been terminated. The challenge is to the order of termination on the ground that he has not been heard.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Counsel for the petitioner was pointedly asked as to whether he disputes the conviction. He stated that he does not dispute it. All this is admitted. No enquiry as such is required. Since the petitioner has been convicted and the appellate authority has only granted bail and not suspended the conviction, there is no infirmity in the impugned order as such. Having considered the facts and circumstances of the case and material on record, no case is made out for any interference in the order dated 18-1-2006 passed by the respondent no. 2 while exercising the extraordinary jurisdiction under Article 226/227 of the Constitution of India. The petition fails and is dismissed. Sd/- Fakhruddin Judge	

Pathak